

96 fishing year to a level that provides a commercial allocation (2.7 million lb (1.2 million kg)) that has been reached or exceeded in 4 of the past 9 years under FMP quota management. Despite these restrictions, participation in the commercial and recreational fisheries has continued to increase. From 1988 to 1994, the total number of vessels holding Federal commercial mackerel permits increased 102 percent, from 1,280 to 2,588. The commercial fleet has demonstrated capacity to harvest quotas for the Gulf group quickly when king mackerel become seasonally available.

The Gulf Council, with some success, has employed area and gear allocations and trip limits to equitably distribute the king mackerel catch throughout the season among an increasing number of participants. As a result of recent quota reductions, the South Atlantic Council is considering similar measures for the Atlantic group king mackerel. Despite the implementation of regulations to control harvest and user groups, unexpected shifts in effort and quota distribution and early closures of Gulf group fisheries have required emergency actions to avert potential negative socioeconomic impacts. In recent years, the western zone (state and Federal waters off Texas, Louisiana, Mississippi, and Alabama) quota has been taken in about 3 months (July through September), and this year it was taken by September 4, 1995, just over two months after the July 1 fishery opening. The two newly established gear quotas for the Florida west coast sub-zone for the Gulf group also are taken quickly. The gillnet quota (432,500 pounds) was taken last season in less than 3 weeks in January after migrating fish became available on south Florida's overwintering grounds. Also, the hook-and-line quota (432,500 lb (196,179 kg)) was taken mostly off northwest Florida early in the season as a result of an unexpected increase in fishing effort. Subsequently, the fishery was closed December 20, 1994, before king mackerel migrated to traditional fishing grounds off southwest Florida. To avert socioeconomic hardships among southwest Florida participants, the fishery was reopened by emergency rulemaking from February 1–21 with a 300,000-lb (136,078-kg) supplemental quota.

In 1995, the Gulf Council's industry advisory panel requested that the Gulf Council consider a long-term solution to management problems resulting from increased participation in the fishery. The panel suggested development of limited access alternatives, and the Gulf Council's Socioeconomic Panel also recommended a limited access program.

The Gulf and South Atlantic Councils previously considered these management approaches and established a control date of July 2, 1993 (58 FR 35914, July 2, 1993) for king and Spanish mackerel in the Gulf of Mexico and Atlantic. The July 2, 1993, control date remains in effect for the Gulf and Atlantic groups of Spanish mackerel. Subsequent efforts to develop limited access alternatives were delayed or deferred.

Implementation of an effort limitation program for the EEZ would require preparation of an FMP amendment by both Councils and publication of a proposed implementing rule with a public comment period. NMFS' approval of the amendment and issuance of a final rule would also be required.

As the Councils consider management options, including limited entry or access-controlled regimes, some fishermen who do not currently harvest Gulf or Atlantic group king mackerel, and have never done so, may decide to enter the fishery for the sole purpose of establishing a record of commercial landings or for-hire recreational participation. When management authorities begin to consider use of a limited access management regime, this kind of speculative entry often is responsible for a rapid increase in fishing effort in fisheries that are already fully developed or overdeveloped. The original fishery problems, such as overcapitalization or overfishing, may be exacerbated by the entry of new participants.

In order to avoid this problem, if management measures to limit participation or effort in the fishery are determined to be necessary, the Councils are considering October 16, 1995, as the control date. After that date, anyone entering the commercial or for-hire (charter and headboat) fisheries for Gulf group king mackerel or the commercial fishery for Atlantic group king mackerel may not be assured of future participation in the respective fishery if a management regime is developed and implemented limiting the number of fishery participants.

Consideration of a control date does not commit the Councils or NMFS to any particular management regime or criteria for entry into the fisheries for Gulf or Atlantic group king mackerel. Fishermen are not guaranteed future participation in these fisheries regardless of their entry date or intensity of participation in these fisheries before or after the control date under consideration. The Councils may subsequently choose a different control date or they may choose a management

regime that does not make use of such a date. The Councils may choose to give variably weighted consideration to fishermen active in the fisheries before and after the control date. Other qualifying criteria, such as documentation of commercial landings and sales and for-hire charter and headboat participation, may be applied for entry. The Councils also may choose to take no further action to control entry or access to the fishery, in which case the control date may be rescinded.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 10, 1995.

Rolland A. Schmitten,

Assistant Administrator for Fisheries,
National Marine Fisheries Service.

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Atlantic Striped Bass Fisheries; Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of additional public hearing; request for comments.

SUMMARY: On September 29, 1995, NMFS announced two public hearings to receive comments from fishery participants and other members of the public regarding proposed regulations on the harvest and possession of striped bass in the exclusive economic zone of the Atlantic Ocean from Maine through North Carolina. NMFS now is announcing that it intends to hold one additional public hearing.

To accommodate people unable to attend a hearing who wish to provide additional comments, NMFS also has solicited written comments on the proposed rule.

DATES: Written comments on the proposed rule must be received on or before October 27, 1995. The hearings are scheduled as follows:

1. October 12, 1995, 7 to 9 p.m., Manteo, NC
2. October 16, 1995, 7 to 9 p.m., Toms River, NJ
3. October 25, 1995, 7 to 9 p.m., Plymouth, MA

ADDRESSES: Written comments should be sent to William Hogarth, Office of Fisheries Conservation and Management (F/CM), NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Clearly mark the outside of the envelope "Atlantic Striped Bass Comments."

The hearings will be held at the following locations:

1. Manteo—North Carolina Aquarium, Roanoke Island, Manteo, NC 27954

2. Toms River—Ocean County Administration Building, 101 Hooper Ave., Room 119, Toms River, NJ 08754

3. Plymouth—Plymouth N. High School, Obery Street, Plymouth, MA 02360

FOR FURTHER INFORMATION CONTACT: William Hogarth at 301-713-2339.

SUPPLEMENTARY INFORMATION: The initial hearing announcement was published on September 29, 1995 (60 FR 50540).

A complete description of the measures, and the purpose and need for the proposed action, is contained in the proposed rule published September 27, 1995 (60 FR 49821), and is not repeated here. A copy of the proposed rule may be obtained by writing (see **ADDRESSES**) or calling the contact person (see **FOR FURTHER INFORMATION CONTACT**).

The hearings are physically accessible to people with disabilities. Requests for

sign language interpretation or other auxiliary aids for the Plymouth, MA public hearing should be directed to William Hogarth by October 20, 1995 (see **ADDRESSES**).

Authority: 16 U.S.C. 1851 note.

Dated: October 10, 1995.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

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